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Pelton case fuels debate on leaks

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BALTIMORE - An eight-foot round bronze plaque of an American eagle, the symbol of the country's military might, is mounted on the front wall of Federal Courtroom 5C where Ronald William Pelton will be tried today for allegedly selling some of the most sensitive US intelligence secrets to the Soviets.

Pelton, a 44-year-old Maryland resident and father of four, is accused of selling classified information that he gained while working for 15 years with the National Security Agency, the top-secret US department that collects and decodes intercepted communications of foreign governments.

His trial, which began last week with the selection of jurors, has already triggered a controversy between the Reagan administration and the American press over the sensitive issue of informing the public about intelligence operations without jeopardizing national security.

The information that Pelton is accused of selling to the Soviet Union is so highly classified that it prompted CIA Director William Casey last week to threaten The Washington Post and NBC News with criminal prosecution for breaking stories about it. Moreover, government lawyers have sought to keep details of what Pelton may have actually turned over to the Soviets out of the trial.

Despite Casey's protests, the Post last Wednesday reported that the information Pelton allegedly turned over to the Soviets compromised a "highly successful" US operation that used sophisticated technology

to intercept Soviet communications. Two days earlier, NBC correspondent James Polk reported that the operation, code-named "Ivy Bells," involved a top-secret underwater eavesdropping operation by US submarines, inside Russian harbors.

Although the Post, after a conversation between its board chairman Katharine Graham and President Reagan, deleted a sizable amount of detail on the compromised technology from its article, the White House later announced that the CIA was reviewing the article to determine if it should be referred to the Justice Department for prosecution under the law that prohibits disclosure of classified intelligence information.

Some, including Sen. Patrick J. Leahy (D-Vermont), vice chairman of the Senate Select Committee on

Intelligence, view Casey's protests as an attempt to clamp down on all leaks of sensitive information. "The Post printed what was at least common gossip around town, and nothing more," Leahy said.

"There is a true frustration on the part of this administration to shut down the leaks. But the vast majority of them are coming out of the administration; they ought to be putting their own house in order before going after the press and raising real constitutional problems."

The Reagan administration is reportedly considering measures to stop such leaks, including reducing the number of people with access to classified material, creating an FBI task force to investigate unauthorized disclosures, and increasing the use of polygraph tests.

While the debate about First Amendment rights and national security became heated in Washington last week, Pelton sat nervously in a fifth floor federal courtroom listening to US Judge Herbert F. Murray advise prospective jurors to avoid reading any press accounts about the trial.

Although Pelton faces life imprisonment if convicted on the six counts of disclosing and delivering national defense information to the Soviets, it is unlikely that the jury will be told in any detail about what top-secret items Pelton is accused of selling.

Both the prosecution and defense in the case have agreed not to reveal any of the secret information for which Pelton allegedly received \$35,000 from the Soviets. The government listed the items in an exhibit that Judge Murray sealed after Attorney General Edwin Meese stated in an affidavit that disclosure of the items "would damage the security interests of the United States."

Financial troubles cited

However, other documents filed in the case and testimony at pre-trial hearings provide a portrait of Pelton as a financially troubled man who allegedly sold his only remaining asset, US intelligence secrets, to pay his debts.

His arrest last Nov. 24 followed six hours of FBI interrogation, during which, the government now says, Pelton provided a partly detailed confession.

Pelton's lawyers contend that his statements were improperly gained because he had no lawyer present, that he was under the influence of alcohol and drugs during the interrogation and that he thought the government was planning to offer him immunity in exchange for a full accounting of what he had supposedly turned over to the Soviets.

The court papers also raise disturbing questions about the government's failure to pick up Pelton's trail until five years after he first approached the Soviets.

During that period, he allegedly made several visits to the Soviet embassies in Vienna and Washington without being detected and opened negotiations with the Soviets with two anonymous telephone conversations that were intercepted by the United States but never identified as being Pelton's voice.

In addition, in April 1979, three months before leaving his position as a communications specialist at the National Security Agency, Pelton filed for bankruptcy in Baltimore. On his form, he listed having \$64,000 in debts and less than \$10 in cash assets. Also, he later admitted that for a couple of years during his employment with the agency he had not filed any income tax returns.

Had they been known by his superiors, his personal financial failings would have surprised those bosses who recalled Pelton's adeptness as the budget officer for his department during the mid-1970s.

A "wheeler-dealer"

One of his superiors, Phillip C. Ambler, said Pelton was known as a "wheeler-dealer" and "extremely assertive" among the agency's middle managers because of his ability to protect the department's several million dollar budget from being cut.